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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4

5 **IN RE GOOGLE PLAY CONSUMER**
6 **ANTITRUST LITIGATION**

7 This Document Relates To:

8 *Epic Games Inc. v. Google LLC et al.*, Case
9 No. 3:20-cv-05671-JD

10 *In re Google Play Consumer Antitrust*
Litigation, Case No. 3:20-cv-05761-JD

11 *State of Utah et al. v. Google LLC et al.*,
12 Case No. 3:21-cv-05227-JD

13 *Match Group, LLC et al. v. Google LLC et al.*,
14 Case No. 3:22-cv-02746-JD

Case No. 3:21-md-02981-JD

DEFENDANTS' STIPULATED
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE STATEMENT OF
RECENT DECISION REGARDING
DEFENDANTS' MOTION FOR PARTIAL
SUMMARY JUDGMENT

Judge: Hon. James Donato
Ctm: 11

ADMINISTRATIVE MOTION

Pursuant to Local Rules 7-3(d) and 7-11, Defendants Google LLC et al. (“Google”) respectfully request leave to file the Statement of Recent Decision Regarding Defendants’ Motion for Partial Summary Judgment (the “Statement”) attached to this motion as Appendix 1. *See* N.D. Cal. Local Rule 7-3(d) (requiring prior approval of the Court to file papers after a motion hearing).

Google’s Statement refers the Court to the Third Circuit’s August 28, 2023 decision in *Winn-Dixie Stores, Inc. v. E. Mushroom Mktg. Coop., Inc.*, No. 22-2289, 2023 WL 5521221 (3d Cir. Aug. 28, 2023). Google submits that this decision is relevant to the portion of Google’s Motion for Partial Summary Judgment directed at Plaintiffs’ *per se* claims. *See* MDL Dkt. 488 at 9-13. The Notice complies with Local Rule 7-3(d)(2) by “bring[ing] to the Court’s attention a relevant judicial opinion published after the date the opposition or reply was filed”; Google’s reply in support of its motion was filed on June 8, 2023 and the Third Circuit’s decision in *Winn-Dixie* issued on August 28, 2023. N.D. Cal. Local Rule 7-3(d)(2). Moreover, the Statement “contain[s] a citation to and provide[s] a copy of the new opinion without argument.” *Id.* Courts in this district have recognized that parties may bring to the Court’s attention new authority issued between the time of oral argument and before a decision has been rendered. *See, e.g., Niantic, Inc. v. Global++*, No. 19-CV-03425-JST, 2020 WL 12175723, at *3 (N.D. Cal. Jan. 29, 2020).

Google respectfully requests leave to file the attached Statement. Plaintiffs do not object to Google’s administrative motion but dispute the relevance of the Third Circuit’s decision to the facts underlying the *per se* claims that are the subject of Google’s Motion for Partial Summary Judgment.

1 DATED: September 13, 2023

Respectfully submitted,

3 By: /s/ Glenn D. Pomerantz

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